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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,928	08/08/2001	Ralf Keller	P13445-US1	3702
27045	7590	09/20/2006	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			ELAHEE, MD S	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/924,928	KELLER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Md S. Elahee	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11,12,14-17,19-21,24-29 and 31-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 11, 12, 14-17, 19-21, 24-29 and 31-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed on 06/30/2006. Claims 1, 3-9, 11, 12, 14-17, 19-21, 24-29 and 31-46 are pending. Claims 2, 10, 13, 18, 22, 23 and 30 have been cancelled. Claims 35-46 have been added.

### ***Response to Arguments***

2. Applicant's arguments filed on 06/30/2006 remarks have been fully considered but they are not persuasive because of the following:

Regarding claims 1, 16, 24, 26 and 32, the applicant argues on page 11-12 that MSC of Marsolais does not have functionality to directly transmit zone information data to a mobile station. Examiner disagrees with this argument. The applicant didn't claim that the MSC [i.e., zone information transmitter] directly transmits zone information data to a mobile station.

The applicant further argues on page 11 that an MSC is incapable of receiving a zone information request from a mobile terminal.... and wirelessly transmit allocated zone information in a limited transmission area. Examiner disagrees with this argument. Marsolais teaches that MSC is capable of receiving a registration request [i.e., zone information request] from a mobile terminal (col.7, lines 10-12) and wirelessly transmit allocated zone information in a limited transmission area (col.7, lines 21-32).

Therefore, the rejections of the claims in view of Marsolais will remain.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 37, 41, 42 and 46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim 37, recites the limitation 'the operational parameter set is at least one from the group consisting of a call loudness setting; activation of a vibration alarm; a predetermined call routing profile; a predetermined terminal setting, including power setting, microphone level setting, and speaker level setting; a inter-communication with an external device; de-activation of either the first or second transmission means; and activation of either the first or second transmission means'. There does not appear to be a written description of the limitation in the application as filed.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 26, 28 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Marsolais (U.S. Patent No. 6,088,598).

Regarding claim 26, Marsolais teaches an MSC [i.e., zone information transmitter] for signaling a zone information for setting operational parameters of a mobile terminal (fig.4), comprising:

a means for receiving a zone information request from a mobile terminal having a HLR 74 [i.e., zone information memory] adapted to store zone information data and wirelessly transmit allocated zone information in a limited transmission area (fig.3,4,6; col.3, lines 3-12, col.6, lines 63-67, col.7, lines 8-25);

a computer unit adapted to determine the zone information, and allocate it to the zone information request (fig.4, 6; col.7, lines 8-25);

a means to negotiate a reference value with the mobile terminal, wherein the reference value is provided for a comparison with a distance parameter value to indicate whether the mobile terminal is located within a location zone (fig.4; col.7, lines 8-35);

Regarding claim 28, Marsolais teaches that zone information requests and zone information are allocated to each other and stored in the zone information memory, and wherein the computer unit detects a correspondence between the received zone information request and a stored zone information request by means of comparison and determines the zone information allocated to the corresponding zone information request as zone information to be sent (fig.4, 6; col.7, lines 8-25).

Regarding claim 29, Marsolais teaches that the computer unit determines the zone information by means of an interpretation provision (col.7, lines 8-25).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-6, 8-16, 19-21, 24-25, 31-36, 38-40, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsolais (U.S. Patent No. 6,088,598) in view of Novak (U.S. Patent No. 6,571,103).

Regarding claims 1, 31, Marsolais teaches initializing the first transmission means (fig.4).

Marsolais further teaches transmitting a zone information request from the first transmission means of the mobile terminal to a MSC [i.e., zone information transceiver] that is interoperable with the first transmission means (fig.4; col.7, lines 8-25).

Marsolais further teaches responsive to the request, receiving from the MSC that is interoperable with the first transmission means the zone information at the first transmission means of the mobile terminal, wherein the zone information includes an identifier of the mobile terminal (fig.4; col.6, lines 56-62, col.7, lines 8-35).

Marsolais further teaches determining greetings [i.e., operational parameters] in the mobile terminal by means of the received zone information, the determination of the operational parameters being based on the attributes of the location of the mobile terminal in reference to the MSC (fig.6; col.3, lines 3-12, 36-9, 59-62, col.4, lines 1-4, col.7, lines 8-35, col.8, lines 10-18).

Marsolais further teaches setting the determined greetings as greetings of the mobile terminal (fig.4, 6; col.7, line 61- col.8, line 18).

Marsolais further teaches polling by a MSC interoperable with the transmission means of the mobile terminal, the status of the mobile terminal (fig.4; col.7, lines 8-25).

However, Marsolais does not specifically teach that a mobile terminal has a second transmission means. Novak teaches that a mobile terminal has a second transmission means

(fig.1; item 44; col.4, lines 24-31). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marsolais to incorporate that a mobile terminal having a second transmission means taught by Novak. The motivation for the modification is to have doing so in order to provide a compatible device having both functions of different communication protocols so that the device can change its connection to a communication network.

Regarding claims 3, 19, Marsolais teaches correlating zone information and operational parameters are allocated to each other and storing them in the terminal, determining the operational parameters by correlating the received zone information with the stored zone information (fig.4, 6; col.7, line 61- col.8, line 18).

Regarding claims 4, 20, Marsolais teaches storing a interpretation provision inherently in the terminal, and determining the operational parameters by interpreting the received zone information by means of the interpretation provision (fig.4, 6; col.7, lines 1-7, 61-67, col.8, lines 1-18).

Regarding claim 5, Marsolais teaches setting of the determined operational parameters by storing a status information in a status information memory of the terminal (fig.4, 6; col.7, line 61- col.8, line 18).

Regarding claims 6, 21, Marsolais teaches that the first transmission means is inherently a short range transceiver (fig.3; col.6, lines 33-44).

Regarding claim 8, Marsolais teaches that the received zone information comprises several zone types (col.6, lines 56-61).



Regarding claim 9, Marsolais teaches that the zone information is received by the first transmission means (fig.4, 5; col.3, lines 3-6, col.7, lines 8-10).

Regarding claims 11, 24, Marsolais teaches determining, by the mobile terminal, a private system identities (PSID's) [i.e., distance parameter] value, and wherein the steps of determining operational parameters in the terminal and setting the determined operational parameters are performed if the distance parameter value indicates that the mobile terminal is located within the location zone, and wherein the indication, whether the mobile terminal is located within the location zone is determined by comparing the distance parameter value with a reference value (fig.6; col.3, lines 3-12, col.7, lines 26-36, 61-67, col.8, lines 1-18).

the distance parameter value is determined by means of a location information (fig.6; col.3, lines 3-12, col.7, lines 1-7, 61-67, col.8, lines 1-18).

Regarding claim 12, Marsolais teaches that the distance parameter value is determined by means of a signal received from a sender signaling the zone information (fig.6; col.3, lines 3-12, col.7, lines 26-36, 61-67, col.8, lines 1-18).

Regarding claim 14, Marsolais teaches negotiating the reference value between the mobile terminal and a sender signaling the zone information (fig.6; col.3, lines 3-12, col.5, lines 20-24, col.7, lines 26-36, 61-67, col.8, lines 1-18).

Claims 15 and 25 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Marsolais teaches performing the switchover to the first transmission means upon a user request (col.5, lines 13-24).

Claim 16 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Marsolais teaches a memory [i.e., status memory] indicating the greetings [i.e.,

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operational parameters] presently valid for the terminal (fig.5, 6; col.3, lines 3-12, col.7, lines 26-36, 61-67, col.8, lines 1-18).

Marsolais further teaches a computer unit determining greetings by means of the received zone information and setting them as greetings for the terminal by means of the status memory (fig.6; col.3, lines 3-12, 36-9, 59-62, col.4, lines 1-4, col.8, lines 10-18).

Claim 32 is rejected for the same reasons as discussed above with respect to claims 1, 11 and 13.

Regarding claim 33, Marsolais teaches loading a computer program inherently into an internal memory of a digital computer unit to perform the respective steps (fig.4, 6; col.7, lines 61-67, col.8, lines 1-18).

Regarding claim 34, Marsolais teaches that the computer program is inherently stored on a computer-readable medium (fig.4; col.7, lines 50-59).

Regarding claims 35, 38 and 44, Marsolais does not specifically teach “the location zone is selected from the group consisting of a conference room, an automobile interior, an aircraft interior, an aircraft gangway, a theater, a restaurant and a church”. However, Examiner takes Official Notice that the selection of the location zone from the group consisting of a conference room, an automobile interior, an aircraft interior, an aircraft gangway, a theater, a restaurant and a church is well known in the art. Thus, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the feature of selecting the transmission area from the group in order to serve a customer more efficiently in a particular region.

Regarding claims 36, 39 and 45, Marsolais teaches wherein the zone information is one selected from the group consisting of a general type zone, a user dependent group zone, a user independent group zone type, and individual user-dependent zone type or an individual user-independent zone type (fig.4, 6; col.7, lines 8-25).

10. Claims 7, 17, 37, 41 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsolais (U.S. Patent No. 6,088,598) in view of Novak (U.S. Patent No. 6,571,103) further in view of Alberty et al. (U.S. Patent No. 6,178,330).

Regarding claims 7, 17, 37, 41 and 46, Marsolais in view of Novak fails to teach “the second transmission means is deactivated by setting the operational parameters”. Alberty teaches that the second transmission channel [i.e., means] is deactivated by setting the transmission [i.e., operational] parameters (col.6, lines 35-50). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marsolais in view of Novak to incorporate the second transmission means being deactivated by setting the operational parameters as taught by Alberty. The motivation for the modification is to have doing so in order to deactivate the replaced channels.

11. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marsolais (U.S. Patent No. 6,088,598) in view of Pass (U.S. Pub. No. 2004/0078354).

Regarding claim 27, Marsolais fails to teach “the zone information transmitter is mobile”. Pass teaches that the wireless server [i.e., zone information transmitter] is wireless [i.e., mobile] (abstract; fig.1; page 1, paragraph 0009). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marsolais to allow the zone information transmitter being mobile as taught by Pass. The motivation for the modification is to have doing so in order to provide the mobile user a communication access to the web page by the use of artificial intelligence software in the wireless server.

12. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marsolais (U.S. Patent No. 6,088,598) in view of Alberty et al. (U.S. Patent No. 6,178,330).

Claim 42 is rejected for the same reasons as discussed above with respect to claim 7. Furthermore, Marsolais teaches wherein the zone information is one selected from the group consisting of a general type zone, a user dependent group zone, a user independent group zone type, and individual user- dependent zone type or an individual user-independent zone type (fig.4, 6; col.7, lines 8-25).

13. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marsolais (U.S. Patent No. 6,088,598).

Regarding claim 43, Marsolais does not specifically teach “the limited transmission area is one selected from the group consisting of a conference room, an automobile

interior, an aircraft interior, an aircraft gangway, a theater, a restaurant and a church". However, Examiner takes Official Notice that the selection of the limited transmission area from the group consisting of a conference room, an automobile interior, an aircraft interior, an aircraft gangway, a theater, a restaurant and a church is well known in the art. Thus, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the feature of selecting the transmission area from the group in order to provide a service to a customer more efficiently in a specific location.

### *Conclusion*

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jano et al. (U.S. 2002/0103936) teach Method and apparatus for location information transfer and collection in a WAP environment;

Lee (U.S. 7,069,017) teach Traffic information collecting and providing system and method utilizing PCS network system;

De Nicolas (U.S. 6,850,760) teach Method and devices for improved location updating in a mobile communication system;

Chuan et al. (U.S. 6,766,173) teach Reconnection of dropped call in mobile communication system;

Garceran et al. (U.S. 6,522,888) teach System for determining wireless coverage using location information for a wireless unit.

Jampolsky et al. (U.S. 6,625,437) teach Location and events reporting in a wireless telecommunications network; and

Auvray (U.S. 6,453,171) teach Dual-mode telephone system.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*ME*

MD SHAFIUL ALAM ELAHEE

September 13, 2006



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